

Submitted March 8, 2014
Approved as of
Date March 8, 2014

**MINUTES OF THE ROCKVILLE BOARD OF APPEALS
MEETING NO. 02-2014
Saturday, February 8, 2014**

The City of Rockville Board of Appeals convened in regular session in the Mayor and Council Chambers at 9:00 a.m., Saturday February 8, 2014.

PRESENT

W. Thomas Curtis, Chair
Peter Mork
Steven Wilcox
Jeryl O. Gegan, Alternate

Staff Present: Cindy Walters, Senior Assistant City Attorney
Jim Wasilak, Chief of Planning
Bobby Ray, Principal Planner
Cas Chasten, Planner III
Nicole Walters, Planner II

I. ADOPTION OF DECISION FOR APPROVAL OF RECONSIDERATION

Special Exception SPX2013-00387, Rubina Mohommed - A request by the existing "home child care provider" to increase the number of children being cared for from 8 children to 12 children, located at 731 W. Montgomery Avenue in the R-60 Zone. Planner: Nicole Walters, 240-314-8215.

The Board went into discussion on various edits to the decision letter.

Ms. Nicole Walters provided an updated version of the Decision Letter for the Board's review, with the edits they discussed.

Dr. Mork moved, seconded by Dr. Wilcox, to adopt the written decision to approve SPX2013-00387, with the caveat of changing on page 5, paragraph B, changing "others, use" to "others' use."

The motion passed 3-0.

II. WORKSESSION

A. Discussion of Ex parte communications and site visit guidelines – The Board discussed the advice provided by counsel, and determined that the document should stand on its own and not be part of the Rules of Procedure. The Board agreed that Ms. Cynthia Walters should draft a document for their consideration.

III. COMMISSION ITEMS

- A. OLD BUSINESS** – Mr. Gegan asked for a copy of the Schulz and Terrapin Run cases for clarification stating that they appear to be germane to his concerns about the Board's ability to approve special exceptions. Senior Assistant City Attorney Cindy Walters agreed to provide Mr. Gegan with copies of those cases, and to provide guidance to the Board on Special Exceptions at an upcoming meeting.
- B. NEW BUSINESS** – Mr. Chasten stated that he would have Mr. Gegan's ID card available at the next meeting.
- C. MINUTES – Meeting No. 01-2014 on January 11, 2014** – The adoption of the minutes was postponed to the next Board meeting. Mr. Wilcox asked to provide additional language to staff to clarify his motion for special exception SPX2013-00387.

IV. ADJOURNMENT

There being no further business to come before the Board, the Chair adjourned the meeting at 9:32 a.m.

Respectfully Submitted

Sandra Y. Driver, Commission Secretary